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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,324

04/13/2006

Grant Charlwood

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7590

12/02/2008

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EXAMINER

LAUX, JESSICA L

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,324	<b>Applicant(s)</b> CHARLWOOD, GRANT	
	<b>Examiner</b> JESSICA LAUX	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2008; 8/22/07; 4/22/05</u> .                            | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I in the reply filed on 9/19/2008 is acknowledged.

Claims 12-22, 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is indefinite as the scope and breadth of the claim cannot be clearly determined (i.e. does "any one" include all or only one of the many?) The limitations are unclear.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6, 9-11, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign No. 891445 (as submitted by applicant) in view of EP 1206917 or EP 1251217 (as submitted by applicant).**

Claims 1-2, 4-6, 9, 11 and 23 as best understood. 891445 discloses a roll formed beam of substantially rectangular cross-section formed from a unitary piece of metal, the beam including:

opposed first and second substantially parallel walls formed with at least three adjacent layers of said piece of metal (generally at 3,4 of figures 1-2 or 5-6), where the first and second walls are smaller than the third and fourth walls;

wherein the three layers in the first and second walls are formed from two layers of metal spanning approximately half the width of the first and second walls and one layer spanning all of the width of the first and second walls, wherein the two half width layer form the beam exterior (figures 1,5) or the beams interior (figures 2,6) and

opposed third and fourth substantially parallel walls (1) between the first and second walls.

891445 does not expressly disclose one of the third or fourth walls having a seam joining two opposed longitudinal edges of the piece of metal.

EP 1206917 or EP 1251217 disclose a beam from a unitary piece of metal having first through fourth walls and further one of the third or fourth walls having a seam (4, 19 respectively) joining two opposed edges of the metal.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to combine known options within his/her technical grasp to achieve the

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predictable results of a beam of a unitary piece of material have multiple layers at the first and second sides and a seam closing the piece on the third or fourth side to create a structurally solid beam.

Claim 3. The beam as in claim 2 above where it is not expressly disclosed that the three layers each extend the width of the beam, but rather that one layer does and two layers extend half the width.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the layers of 891445 to each extend the full width of the beam to increase strength and stability by reducing points of weakness (as it is well known that a discontinuous layer would have a point of weakness at the juncture, where a continuous layer would not).

Claim 10. The beam as in claim 9 above, where it is not expressly disclosed that there are three indentations in each of the third and fourth walls.

It is notoriously common and well known that additional indentations provide additional stability and strength. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide three indentations equally spaced (to evenly distribute the strength and for manufacturing efficiency) in the third and fourth wall (where one of the indentations is formed by the seam as disclosed by EP 1206917) to create a superior beam.

**Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreign No. 891445 (as submitted by applicant) in view of EP 1206917 or EP**

**1251217 (as submitted by applicant) and further in view of WO 93/15353 (as submitted by applicant).**

Claim 7. The beam as claimed in claim 1 above, where it is not expressly disclosed that the beam also includes at least two adjacent layers of metal in the region of its four corners directed away from the first and second walls.

WO 93/15353 discloses a metal beam that includes multiple layers of metal at the first and second sides and additionally includes at least two adjacent layers of metal in the region of its four corners directed away from the first and second walls (figures 2,4)

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the beam of claim 1 as presented above to have multiple layers of metal at the corners to provide additional reinforcement and stability predictably resulting in a stronger beam.

Claim 8. The beam as in claim 7 above, where it is not expressly disclosed that there are three layers of metal in the region of the four corners.

However, it is notoriously common and well known that additionally layers provide additionally support, strength and stability to the product. Further it is noted that 891445 disclose three layers. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the beam of claim 7 above to have three layers of metal at the four corners to achieve a structurally superior beam capable of withstanding higher loading/forces.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA LAUX whose telephone number is (571)272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./  
Supervisory Patent Examiner, Art Unit 3635  
/J. L./  
Examiner, Art Unit 3635